

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

BURNELL A. YARBER,

Defendant.

Case No. 17-CR-110-JPS

ORDER

On June 13, 2017, the grand jury returned a single count indictment against Defendant. (Docket #1). The government charged Defendant with being a felon in possession of a firearm in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). *Id.* On August 17, 2017, the parties filed a plea agreement indicating that Defendant would plead guilty to Indictment. (Docket #14 at 1-3).

The parties appeared before Magistrate Judge David E. Jones on September 6, 2017, to conduct a plea colloquy pursuant to Federal Rule of Criminal Procedure 11. (Docket #17). Defendant entered a plea of guilty as to Count One of the Indictment. *Id.* After cautioning and examining Defendant under oath concerning each of the subjects mentioned in Rule 11, Magistrate Jones determined that the guilty plea was knowing and voluntary, and that the offense charged was supported by an independent factual basis containing each of the essential elements of the offense. (Docket #17 and #18).

Thereafter, Magistrate Jones filed a Report and Recommendation with this Court, recommending that: (1) the defendant's plea of guilty be accepted; (2) a presentence investigation report be prepared; and (3) the

defendant be adjudicated guilty and have a sentence imposed accordingly. (Docket #18). Pursuant to General L. R. 72(c) (E.D. Wis.), 28 U.S.C. § 636(b)(1)(B), and Federal Rules of Criminal Procedure 59(b) or 72(b) if applicable, the parties were advised that written objections to that recommendation, or any part thereof, could be filed within fourteen days of the date of service of the recommendation.

To date, no party has filed such an objection.


The Court has considered Magistrate Jones' recommendation and, having received no objection thereto, will adopt it.

Accordingly,

IT IS ORDERED that Magistrate Judge David E. Jones' report and recommendation (Docket #18) be and the same is hereby **ADOPTED**.

Dated at Milwaukee, Wisconsin, this 26th day of September, 2017.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge